

**IHSS Stakeholders Meeting  
Regulations Development**  
Meeting Minutes  
April 15, 2005

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**Meeting Attendees**

- See Attachment A

**Document Handouts**

IHSS stakeholders meeting participants were provided with the following documents upon arrival:

- Meeting Agenda
- 6 Month Work Plan
- Long - Term Work Plan
- All County Letter #99 – 62
- All County Letter #00 – 36
- All County Letter #00 – 68
- IHSS Plus Waiver – Preliminary Regulation Outline
- Regulation Worksheet (Workgroup Exercise)

**Opening Remarks**

*Meeting Co-Chaired by Eileen Carroll (CDSS Adult Programs Bureau Chief) and Grace Gomes (Fresno County Social Services, Specialty Services Division Manager for IHSS, APS & Older Adult Mental Health).*

Eileen Carroll emphasized in her opening discussion with workgroup participants the need for concise and comprehensive IHSS program regulations. Participants were advised there will be a considerable amount of work associated to moving forward with IHSS regulations due to the IHSS Plus Waiver and Quality Assurance Initiatives. In addition, there will be work associated to the “clean-up” of existing IHSS regulations. The importance of workgroup participation in the regulation development process was stressed to participants. Workgroup participation is essential in developing regulations that provide clear guidance.

**Review of Agenda**

- *Six Month Work Plan* - The workgroup’s focus will be on the discussion and review of priorities incorporated into the six month work plan. The six month work plan prioritizes development activities for IHSS Waiver, Quality Assurance, and overall IHSS regulations based on work group discussions during the previous stakeholders meeting held February 3, 2005.

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- *Overview of the Rule Making Process* – Review of the Office of Regulation Development (ORD) process for the development, approval, and implementation of regulations. The review is intended to facilitate an understanding of the regulation development process as it will be applied by workgroup participants during IHSS regulation development. Workgroup participants will apply ORD regulation development concepts to a workgroup breakout exercise.
- *Waiver and Quality Assurance* – Review of the waiver regulation package outline. The outline identifies what the waiver regulation package might contain. Participants will be walked through two regulation examples and breakout exercise activities.

## **Discussion**

### Six Month Work Plan

Work group participants were advised that prioritization of the six month plan took into consideration areas of interest and timeline constraints as set fourth in statute. The 6 month work plan is divided into 3 areas: IHSS Waiver; Quality Assurance; and Overall IHSS Regulations. The work plan identifies specific tasks in each area associated to regulation development that can be reasonably achieved in the statutory timeframes. Workgroup participants were given the opportunity to review and comment on the 6 month work plan. It was noted that overlapping work plan task activities will require integration and coordination between agencies and staff for timely completion. Meeting participants were encouraged to review the six month plan in detail and provide feedback following the meeting identifying any missing task and/or activities.

A long term plan draft was created to document the other ideas and areas of concern discussed in the previous Stakeholders workgroup meeting not included in the 6 month plan. The long term plan represents future workgroup activities. The long term work plan serves as a living document that can be amended as additional needs are identified. Once the initial priority regulation issues are addressed, the long term plan will be revisited to possibly move some of those issues forward. The long term plan draft was not discussed in the workgroup meeting do to its' extensive length, but it was provided to participants for later review and feedback.

### Overview of the Rule Making Process

Grace Gomes provided workgroup participants with a high level (non-technical) presentation of the rule making process from legislation to regulation.

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Rulemaking authority is delegated to the appropriate State agency following the passage of a bill into law. IHSS program regulations are the responsibility of CDSS. Following the passage of a law, the appropriate State agency typically issues an All County Letter (ACL) or All County Information Notice (ACIN) for the purpose of clarifying statutes and/or respond to questions regarding statutes.

The ACL or ACIN enables the State agency to develop a community dialog and engage public hearings to bring parties together for discussions. The IHSS regulation workgroup was established to facilitate communication between CDSS and the community of IHSS program stakeholders. Following the submission of draft regulations to ORD, the respective State agency issues a public notification notice. A 45 day comment period follows the public notice to enable public review of the draft regulations. If public comment results in the agency making changes to draft regulations, the agency issues a second 15 day public notice to advise of the changes. Depending on the complexity of the statute(s) the State agency may hold public hearings to receive input and respond to questions from interested parties prior to drafting regulations.

Regulations are drafted in consideration of the Administrative Procedures Act (APA). As such, regulations must not alter, amend, enlarge, restrict, conflict, or be inconsistent with a statute. APA standards provide for the clarification of statute. Therefore, regulations must be written in a manner that the general public can understand to maintain compliance with APA standards. APA standards insure regulations achieve their intended purpose.

Following the overview of the rule making process workgroup participants were provided with regulation exercises designed to emphasize the discussion topic points.

#### Waiver Regulations

Jan Howland, CDSS IHSS Waiver Unit Manager, reviewed the IHSS Plus Waiver Preliminary Regulation Outline with workgroup participants. Participants were provided with a copy of the preliminary outline for review and discussion. The preliminary outline identifies the waiver areas CDSS will be looking at for potential regulations. The outline represents CDSS' best guess as to what the regulation package will look like. CDSS gathered outline information from Senate Bill (SB) 1104, current regulations, special terms and conditions, and workgroup feedback. The preliminary outline is organized by subject, reference citation, and subject matter content.

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The IHSS waiver went into effect August 1, 2004. CDSS is currently working with the CMIPS and Medi-Cal systems to implement the waiver. It is anticipated the automation will be in place by October, 2005 to move the population. Under the terms and conditions of the waiver, the eligibility determinations need to be completed by October 1, 2005. The federal government is aware of where the State is in the process and the State will be billing the federal government back to August 1, 2004 for the waiver.

Next Meeting

Date: June 24, 2005

Location: To be determined

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**Attachment A**

***Attending:***

Ariello, Stuart	Resource for Independent Living
Aslianian, Kevin	Welfare Rights
Avalino, Cindy	Monterey County
Bernstein, Barry	State Hearings
Bush, Michael	DSS
Carroll, Eileen	CDSS
Cole, Irene	Monterey County
Cotta-Warre, Marni	Sacramento County Public Authority
Crockett, Terri	San Joaquin County
Dimanchkie, Mack	DSS
Dodson, Anastasia	Senate Budget Committee
Duraz, Annie	SEIU Fresno
Eiland, Kaatrina	California Care
Eszlinger, Martha	CDSS
Fiala, Kevin	CDSS
Field, Ken	Shasta County Public Authority
Forbes, Cyndee	Sacramento County
Gonzales, Desi	CDSS
Gomes, Grace	Fresno County
Gross, Mary Ruth	SEIU Local 250
Howland, Jan	CDSS
January, Debra	DHS
Johnson, Jeannette	Sacramento County
Kaz, Richard	Fresno County
Keesler, Karen	CA Assoc of Public Authorities
Koepp, Brian	CDSS QA
Klopp, Guy	Sacramento County
Kubachi, Stan	Sacramento County DA
Laboy-Brauer, Norberto	CDSS
Makiska, Fay	Sacramento County IHSS Advisory Committee
Maurice, Ken	CDSS
McInturf, Melody	Sacramento County
Michael, Sallee	CDSS
Miguelino, Charissa	CDSS
Miller, Bill	Butte County
O'Connell, Helen	Resource for Independent Living
Oddo, Jarrett	Sacramento County
Pautira, Vicki	DHS
Placencia, Julia	SEIU 434B

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Powmacwizalord, Stormaliza	Resource for Independent Living
Rasberry, Tamara	SEIU State Council
Rehm, Sharon	Sacramento County
Ruoff, Jennifer	CDSS
Sacheli, Angelo	Marin county Public Authority
Schwartz, Kathleen	Sacramento County
Schwendimann, Susan	Sacramento County
Shefy, John	Sacramento County
Shiff, Suzanne	Napa County
Stevens, Loretta	Homecare Council
Thau, Toria	Sacramento County
Young, Lola	CA Senior Legislature